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Application No.: 10/517685

Case No.: 57894US004

REMARKS

Claims 1-7, 10-14, 18, 37-40, 43, 45 and 46 are pending and are presented for further examination. Claims 9, 31-33 have been canceled. Claims 8, 15-17, 19-30, 34-36, 41, 42, 44, 47, and 48 have been withdrawn from consideration. Claims 1-4, 11-13, 38 and 45 are amended.

Support for the claim amendments can be found in the specification at, for example, paragraph [0014] in the published application (US 2005/0217558).

The Office Action raised an objection to 'informalities' in claims 1-4, 7, 11-14, 31 & 32. In light of the foregoing amendments to the claims, it is believed that the objection is now moot. Reconsideration and withdrawal of the objection is requested.

Claims 1, 2, 4, 5, 10, 11, 18, 31-33, 38, 39 and 43 were rejected under 35 U.S.C. 102(b) as being anticipated by Rubey (US Patent 4,239,014). Rubey discloses "suspended droplet shock indicator" described as a liquid droplet suspended by a spiral wire as a holding means to prevent the droplet from escaping. The droplet 11 is a liquid composition (see col. 2, lines 60-66). Rubey does not teach or suggest an indicator that comprises an agglomerated powder comprising powder particles as recited in the pending claims, as amended.

Claims 1-4, 6, 9, 18, 31, 38 and 43 were rejected under 35 U.S.C. 102(b) as being anticipated by Boardman (US Patent 3,782,204). Boardman describes a peak-recording accelerometer including a rigid receptacle with a resilient mass in the receptacle that can impinge on the panels of the receptacle and which leaves an imprint on the panel during acceleration. The resilient mass is described as a sphere 25 that is preferably a homogenous elastomer having a pre-selected durometer value (see col. 3, lines 61-62). Boardman does not teach or suggest a shock indicator comprising an agglomerated powder comprising powder particles as recited in the present claims, as amended.

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Dependent claims 12-14, 37, 45, 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rubey. Additionally, dependent claim 7 was rejected as unpatentable over Boardman in view of Duncan (US 6,663,679). Applicant respectfully asserts that the independent claims from which claims 7, 12-14, 37, 45, and 46 depend are patentable for the reasons stated herein. Accordingly, the dependent claims are also allowable over the art and the reconsideration and withdrawal of the rejections to these dependent claims is now requested.

Applicant appreciates that the Office Action's objection to claim 40 was limited to its dependence from a rejected base claim, but the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As already discussed above, independent claim 38 is amended to recite that the indicator is an agglomerated powder comprising powder particles. Consequently, Applicant does not believe that further amendment to the independent claim is needed at this time.

Applicant has endeavored to address all of the issues raised in the Office Action. In view of the above, it is believed that the application is in condition for allowance. Reconsideration of the application and the allowance of the pending claim is now requested.

Respectfully submitted,

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Date

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